

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO

IN RE:  
RAFAEL M ROSARIO GARCIA  
YETZENIA M BAEZ MORALES

DEBTOR (S)

CASE NO. 11-01108-BKT

CHAPTER 13

**AMENDED TRUSTEE'S UNFAVORABLE REPORT  
ON PROPOSED PLAN CONFIRMATION UNDER §1325**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Under Median / 36 months commitment period.**

Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$0**

**R2016 STM. \$3,000.00**

<b>TOTAL ATTORNEYS FEES THRU PLAN: \$2,814.00   Fees paid: \$0.00   Fees Outstanding: \$2,814.00</b>
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With respect to the proposed (amended) Plan dated: **March 14, 2011** (Dkt 10).

Plan Base: **30,000.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Fails Disposable Income Test [11 U.S.C. §1325(b)]

Debtors submitted a copy of their bank statements as evidence of income. A review of such bank statements showed that Debtors had an average income of \$3,800.00 during the months of October, November and December. Debtors, however, listed only \$2,000.00 as their monthly income (from business) in Schedule I of the bankruptcy petition and \$1,997.00 in the "Means Test". Debtors must clarify this matter by submitting statements of income and expenses, as previously requested by the Trustee, and copies of their bank statements for the six months prior to the bankruptcy petition up to case confirmation. It seems that Debtors are not submitting all their disposable income to fund the plan and that they are above-median Debtors.

- Other/Comments

A review of the bank statements mentioned above show that Debtors have a savings account that was not listed in Schedule B of the bankruptcy petition or the Statement of Financial Affairs. Debtors must clarify this matter, amend Schedules or SOFA accordingly and provide to the Trustee statements of such savings account. Trustee needs this information to determine: (a) if Debtors are filing the bankruptcy in good faith; and (2) if Debtors are submitting all their disposable income to fund the plan.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this April 27, 2011.

/s/ Jose R. Carrion

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/s/ Alexandra Rodriguez -Staff Attorney

ARD

JOSE R. CARRION  
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